



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3512

Introduced 2/8/2012, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

820 ILCS 130/5

from Ch. 48, par. 39s-5

Amends the Prevailing Wage Act in connection with certified payroll filings. Provides that those filings must be on a certified payroll form as provided by the Department of Labor. Provides that public bodies shall accept any reasonable submissions by contractors only if recorded on the State of Illinois Certified Transcript of Payroll Form as provided by the Department of Labor.

LRB097 19891 JLS 65175 b

1 AN ACT concerning wages.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Section 5 as follows:

6 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

7 Sec. 5. Certified payroll.

8 (a) Any contractor and each subcontractor who participates
9 in public works shall:

10 (1) make and keep, for a period of not less than 3
11 years from the date of the last payment on a contract or
12 subcontract for public works, records of all laborers,
13 mechanics, and other workers employed by them on the
14 project; the records shall include each worker's name,
15 address, telephone number when available, social security
16 number, classification or classifications, the hourly
17 wages paid in each pay period, the number of hours worked
18 each day, and the starting and ending times of work each
19 day; and

20 (2) no later than the tenth day of each calendar month
21 file a certified payroll on a certified transcript of
22 payroll form as provided by the Department of Labor for the
23 immediately preceding month with the public body in charge

1 of the project. A certified payroll must be filed for only
2 those calendar months during which construction on a public
3 works project has occurred. The certified payroll shall
4 consist of a complete copy of the records identified in
5 paragraph (1) of this subsection (a), but may exclude the
6 starting and ending times of work each day. The certified
7 payroll shall be accompanied by a statement signed by the
8 contractor or subcontractor or an officer, employee, or
9 agent of the contractor or subcontractor which avers that:
10 (i) he or she has examined the certified payroll records
11 required to be submitted by the Act and such records are
12 true and accurate; (ii) the hourly rate paid to each worker
13 is not less than the general prevailing rate of hourly
14 wages required by this Act; and (iii) the contractor or
15 subcontractor is aware that filing a certified payroll that
16 he or she knows to be false is a Class A misdemeanor. A
17 general contractor is not prohibited from relying on the
18 certification of a lower tier subcontractor, provided the
19 general contractor does not knowingly rely upon a
20 subcontractor's false certification. Any contractor or
21 subcontractor subject to this Act and any officer,
22 employee, or agent of such contractor or subcontractor
23 whose duty as such officer, employee, or agent it is to
24 file such certified payroll who willfully fails to file
25 such a certified payroll on or before the date such
26 certified payroll is required by this paragraph to be filed

1 and any person who willfully files a false certified
2 payroll that is false as to any material fact is in
3 violation of this Act and guilty of a Class A misdemeanor.
4 The public body in charge of the project shall keep the
5 records submitted in accordance with this paragraph (2) of
6 subsection (a) for a period of not less than 3 years from
7 the date of the last payment for work on a contract or
8 subcontract for public works. The records submitted in
9 accordance with this paragraph (2) of subsection (a) shall
10 be considered public records, except an employee's
11 address, telephone number, and social security number, and
12 made available in accordance with the Freedom of
13 Information Act. The public body shall accept any
14 reasonable submissions by the contractor that meet the
15 requirements of this Section but only if recorded on the
16 State of Illinois Certified Transcript of Payroll Form as
17 provided by the Department of Labor.

18 (b) Upon 7 business days' notice, the contractor and each
19 subcontractor shall make available for inspection and copying
20 at a location within this State during reasonable hours, the
21 records identified in paragraph (1) of subsection (a) of this
22 Section to the public body in charge of the project, its
23 officers and agents, the Director of Labor and his deputies and
24 agents, and to federal, State, or local law enforcement
25 agencies and prosecutors.

26 (Source: P.A. 97-571, eff. 1-1-12.)